

### III. REMARKS

Claims 1, 4-6, 8-10, 14-17 and 20 remain pending in this application. By this amendment, claims 1, 9 and 17 have been amended. Applicant is not conceding in this application that those claims are not patentable over the art cited by the Office, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the Office. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1, 4-6, 8-10, 14-17 and 20 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over El-Gazzar et al. (U.S. Pat. No. 7,184,160), hereinafter “El-Gazzar” in view of McCormick et. al. (U.S. Pat. No. 6,421,709), hereinafter “McCormick.”

Applicants respectfully assert that El-Gazzar and McCormick, in combination or singly, fail to teach or disclose each and every feature of the claimed invention. The Office admits that El-Gazzar does not teach “wherein the determining includes: displaying at least a portion of the incoming facsimile image before outputting the image, and allowing a recipient to view the at least a portion of the displayed image to determine whether the incoming facsimile image is of a junk fax; saving at least a portion of the incoming facsimile image as a junk fax image in the junk fax database in the case that the incoming facsimile image is of a junk fax.” Office Action, p. 3. However, the Office points to McCormick for disclosure of these claimed elements.

Interpreting McCormick for purposes of this Amendment only, Applicants submit that McCormick is a system and method of filtering junk e-mails. As discussed in Applicants' specification, email junk filters, such as McCormick's system, do not meet the same needs, or fulfill the same function, as junk filters for facsimile systems. Applicants have amended the claims to clarify that the claimed system is directed to a facsimile system that outputs images in hard copy by printing the fax, not an e-mail system. Accordingly, Applicants respectfully request that the Office withdraw this rejection.

Moreover, with respect to claim 1, Applicant continues to assert that El-Gazzar does not teach or disclose calculating a toner count and processing the image in the case that the toner count is below a threshold. In support of its argument to the contrary, the Office cites Col. 4, lines 13-53. El-Gazzar, as evidenced by the excerpts cited by the Office, does not even mention toner count at all. Instead, El-Gazzar discloses detecting color values and using this detection to determine whether a fax is spam or legitimate. As such, El-Gazzar does not disclose determining the toner count of a fax, and processing it if that toner count is below a threshold.

With regard to the Office's other arguments regarding dependent claims, Applicant herein incorporates the arguments presented above with respect to independent claims listed above. In addition, Applicant submits that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicant will forego addressing each of these rejections individually, but reserves the right to do so should it become necessary. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

#### IV. CONCLUSION

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

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